IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Satoshi IWATA et al.

Serial No. 09/862,448   Group Art Unit: 2178

Confirmation No. 8881

Filed: May 23, 2001   Examiner: Campbell, Joshua D.

For: DISPLAY APPARATUS, AND COMPUTER-READABLE RECORDING MEDIUM IN
      WHICH DISPLAY CONTROL PROGRAM IS RECORDED

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notification of Non-Compliant Appeal Brief mailed April 18, 2008, having a response due date of May 18, 2008 which being a Sunday renders this response timely filed Monday, May 19, 2008.

In a Notice of Appeal filed September 12, 2007, Applicants appealed the Examiner's June 13, 2007 Office Action finally rejecting claims 1, 5-13 and 17-23. A Pre-Appeal Conference Request was filed concurrently with the Notice of Appeal. The Notice of Panel Decision from the Pre-Appeal Brief Review mailed on March 10, 2008, indicated that the claim rejections were upheld. In response an appeal brief was filed on April 10, 2008. The present response is an updated version of the Appeal Brief filed on April 10, 2008 in view of the Notice of Non-Compliant Appeal Brief mailed April 18, 2008.

REAL PARTY IN INTEREST

The real party in interest is FUJITSU LTD, Kawasaki-shi, Japan, the assignee of this application.

II. RELATED APPEALS AND INTERFERENCES

Appellant, appellant's legal representative, and the assignee do not know of any prior or pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by, or have a bearing on, the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1, 5-13 and 17-23 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,801,713 to Endo et al. (hereinafter "Endo") in view of U.S. Patent No. 6,002,798 to Palmer et al. ("Palmer"). Claims 2-4 and 14-16 are cancelled.

The rejection of claims 1, 5-13 and 17-23 is appealed.

IV. STATUS OF AMENDMENTS

No amendment has been filed following the Final Office Action mailed on June 13, 2007 rejecting claims 1, 5-13 and 17-23.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A. Claim 1

Claim 1 is directed to a display apparatus having a displaying section (e.g. 11 in FIG. 1 of the specification, and page 24, lines 7-13) for displaying document contents made up in units of page (e.g. FIG. 14), a displaying control section (e.g., 12 and 13 in FIG. 1, and page 25, lines 7-14) for controlling a display state of said displaying section, means (e.g. 12 in FIG. 1 and page 27, lines 7-11) for providing a reading display mode of displaying the whole contents of each page of said document contents on said displaying section (see the rightmost page in FIG. 14), means (e.g. 12 in FIG. 1 and page 27, lines 11-18) for providing a plurality of automatic paging display modes of conducting page ejection (paging) and successively performing partial or schematic displaying of each page of said document contents on said displaying section according to a display mode corresponding to one of a plurality of reading modes (e.g. middle and rightmost page in FIG. 14), and selecting means (e.g. 14 in FIG. 1 and page 24, lines 23 to page 25, line 4) for selecting the display mode as one of said reading display mode and said plurality of automatic paging display modes. Claim 1 further specifies that when the selected display mode of said document contents is performed, said display control section controls the display state of said displaying section to display said document contents on said displaying

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section (see e.g. FIGS. 13 and 14).

Further, according to claim 1 recitations, the plurality of automatic paging display modes includes at least a cursory reading display mode, a partially displaying mode, and an outline view display mode (see FIGS 2A-C and page 18, line 13 to page 22, line 22). In the cursory reading display mode, titles and emphasized parts, of the document contents in each page, are extracted to display so that an outline of the contents of each page is viewable to the user (see title-display middle page on FIG. 14 and page 11, lines 17-20). In the partially displaying mode, a portion of each page is displayed, the displayed portion being extracted according to a predetermined condition (see, FIGS. 16, 18, 20, 22 and 23 with the corresponding descriptions). In the outline view display mode, only a document structure is displayed as a layout so that the whole of each page is viewable to the user (see page 22, lines 16-22).

B. Claim 13

Claim 13 is directed to a computer-readable recording medium (e.g. 13 in FIG. 1) storing a display control program making a computer to perform various operations in order to display document contents, made up in units of page, on a displaying section (see page 25, line 7 to page 26, line 19). One operation performed by the computer executing the stored display control program is providing a plurality of automatic paging display modes of conducting page ejection (paging) (see, e.g., FIG. 3, S11-S21 and the corresponding description) and successively performing partial or schematic displaying of contents of each page of said document contents on said displaying section according to a display mode corresponding to a plurality of reading modes (see FIG. 3 S22, S23, and S26 and their corresponding descriptions). Another operation performed by the computer executing the stored display control program is controlling a display state of said displaying section for displaying said document contents on said displaying section in a selected automatic paging display mode (see, FIG. 3 S26-28 and S23-25 and their corresponding descriptions). Further, according to claim 13, the selected automatic paging display mode is selected by a user from said plurality of automatic paging display modes (see FIG. 3, S11, S12, and S21 and their corresponding descriptions) including

(1) a cursory reading display mode in which title and emphasized parts of the document contents in each page, are extracted to display so that an outline of the contents of each page is viewable to the user (see e.g. FIG. 14 middle panel),

(2) a partially displaying mode in which a portion of each page is displayed, the displayed portion being extracted according to a predetermined condition (see e.g. FIG. 16 and the corresponding description where the condition is related to font size), and

(3) an outline view display mode in which only a document structure is displayed as a

layout so that the whole of each page is viewable to user (see e.g. FIG. 14, the right-most top panel and the corresponding description).

C. Claim 21

Claim 21 is directed to a multi-page document displaying method (e.g. FIGS. 11 and 12, and the corresponding description page 42, line 4 to page 44 line 15). The claimed method includes selecting (e.g. S21 in FIG. 11 page 43 line 27 to page 44, line 2) a page-turning mode from a reading mode in which a page of the multi-page document remains displayed until displaying a next page is requested by a user (e.g. S22 in FIG. 11, described in the general description on page 31 line 26, to page 32 line 3), and a plurality of automatic paging display modes in which pages of the multi-page document are displayed successively after predetermined time intervals (e.g. S24 and S27 in FIG. 11, described in the general description on page 32 line 4, to page 32 line 26). The claimed method further includes selecting a display mode associated with the selected page turning mode S26-28 or S23-25 in FIG. 11 described in the general description on page 32 line 4, to page 32 line 26) wherein the display mode is one of a plurality of display modes including a cursory reading display mode in which a title and headlines of the document contents in each page, are extracted and displayed (e.g. FIGS. 13 and 14 described on page 44 line 18 to page 45 line 25), a partially displaying mode in which each page is displayed partially (e.g. FIG. 12 described on page 42 line 20 to page 43 line 1), by extracting and displaying a page portion according to a predetermined condition (e.g. one of S23 and S26 in FIG. 11 and the general description on page 32 line 4, to page 32 line 26) and an outline view display mode (e.g. the other one of S23 and S26 of FIG. 11 and the general description on page 32 line 4, to page 32 line 26) in which only a page layout is displayed (e.g. "AUTOMATIC PAGING 2" in FIG. 13 see in particular page 45, lines 2-16).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The sole ground of rejection to be reviewed on appeal is the rejection of claims 1, 5-13 and 17-20 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,801,713 to Endo et al. (hereinafter "Endo") in view of U.S. Patent No. 6,002,798 to Palmer et al. ("Palmer").

VII. ARGUMENT

A. Review of the Prior Art

Enzo discloses a data browsing apparatus that displays data automatically in an automatic page-turning mode (see Enzo's Abstract) according to dynamic picture display parameters including a frame display time (w), a frame display pitch (m), and a display priority

(r). The dynamic picture display parameters may be calculated based on automatic page-turning options designated by users to display sequences of pictures at the automatic page-turning interval.

Palmer discloses a method storing document images, creating retrieval index by which the document images may be retrieved, and displaying the retrieved document images. (See Palmer's Abstract). In a document image, title-type regions, text-type regions, line art-type regions, halftone-type regions and color image-type regions are identified and used to create structural information. A word-based retrieval index is created based on title-type regions and/or text-type regions, and structural information of documents retrieved using the word-based retrieval index is displayed, within the structural frame, different regions being displayed depending of a level of abstraction selected by the user (e.g. from a full image mode to a rapid browsing mode).

B. The cited prior art does not teach all the features recited in the independent claims

1. Enzo and Palmer alone or in combination do not render obvious "a partially displaying mode in which a portion of each page is displayed, the displayed portion being extracted according to a predetermined condition" as recited in independent claim 1 amended on April 9, 2007. Enzo discloses an automatic page turning display mode with different speeds (see, e.g., FIGS. 3 and 4 described in col. 5 lines 16-38). Palmer discloses that a document image (note that it is a one page document, and no automatic page turning is suggested) is analyzed when scanned and when may be displayed at any one of nine abstraction levels (Level 1: Structure Only, Level 2: Titles, Level 3: Retrieval Parameters, Level 4: First Line of Text, Level 5: Full Text, Level 6: Tables, Level 7: Line Art, Level 8: Half-tone, Level 9: Color). Structural views of the document are displayed mixed with regions of full document images according to the selected abstraction level (see lines 42-43 in col. 8 of Palmer).

Palmer does not disclose any mode in which only a portion of each page extracted according to a predetermined condition is displayed. As one can easily see in FIGS. 5, and 8-10 of Palmer, structural views of the whole document (page) are displayed in Palmer regardless which level of abstraction is selected. In contrast, according to the partially displaying mode recited in claim 1, only **a portion** extracted according to a predetermined condition is displayed.

The distinguishing character of the partially displaying mode becomes clearer when features recited relative to this partially displaying mode are compared with features recited relative to the other automatic paging display modes. For example, in the outline view display mode, "only document structure is displayed as a layout so that the **whole** of each page is

viewable to the user" (emphasis ours) as opposed to a portion being displayed in the recited partially displaying mode. Also, claim 1 specifies that the cursory reading display mode extracts for displaying "title and emphasized parts, of **the document contents in each page** [...] so that an outline of the contents of each page is viewable to the user" (emphasis ours). The term "contents of each page" refers to the whole page and not a part of the page as recited for the partially displaying mode.

Thus, Palmer's different levels of abstraction according to which documents are always displayed within the structural view of **the whole page**, do not anticipate or render obvious displaying "a portion of each page [...] extracted according to a predetermined condition."

Likewise, independent claim 13 patentably distinguishes over the cited prior art at least by reciting "a partially displaying mode in which **a portion** of each page is displayed, the displayed portion being extracted according to a predetermined condition" (emphasis ours). Independent claim 21 is patentable at least because the cited prior art fails to teach or suggest at least "a partially displaying mode in which each page is displayed partially, by extracting and displaying a page portion according to a predetermined condition." Arguments similar to the arguments presented above for claim 1 are omitted.

2. Claim 5, which depends from claim 1, specifies that the predetermined condition used in the partially displaying mode to extract the displayed portion, "involves a font size." In a non-limiting embodiment illustrated in FIG. 16 of the specification, two automatic paging modes display text with font exceeding respectively specified sizes. Palmer discloses in FIG. 6 that a font type and size are among the regions attributes extracted for different regions (see the last column of the table). However, contrary to the assertion in the Office Action, Palmer does not teach or suggest using a font size for extracting and displaying a portion of the page.

Likewise, claim 6, which depends from claim 1, specifies that the predetermined condition used in the partially displaying mode to extract the displayed portion, "involves a font type," a non limiting embodiment of which is illustrated in FIG. 18. However, contrary to the assertion in the Office Action, Palmer does not teach or suggest using a font type for extracting a portion of the page to be displayed.

C. No valid reason to combine the teachings of the prior art references is provided

In response to the Applicants' argument relative to the lack of motivation to combine, the Examiner indicates col. 8, lines 15-31 of Palmer as providing the rationale for the combination (see Page 7 item 7 of the final Office Action mailed on June 13, 2007). The indicated paragraph

of Palmer allegedly supports the statement that Enzo and Palmer teachings "allow for rapid browsing of documents." However, the indicated portion of Palmer does not teach or suggest combining the "browsing mode" disclosed therein for rapid browsing of documents, with a manual or an automatic scrolling mode taught by Enzo. Although the Examiner admits that an obviousness rejection has to include a teaching, suggestion, or motivation, he fails to deliver anything more than a statement of the benefits already achieved in Palmer. In the recent decision *KSR Int'l. v. Teleflex* (2007), the Supreme Court reiterated that the Examiner must establish "an apparent reason to combine ... known elements." (KSR Opinion at page 4). Merely stating the advantage of the elements in one reference does not support combining its teachings with teachings of another reference. Therefore, Applicants respectfully submit that the combination of the teachings in Enzo and Palmer is based on impermissible hindsight.
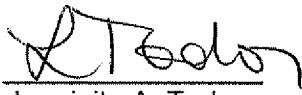
VIII.   Conclusion and Summary

Applicants submit that claims 1, 5-13 and 17-23 patentably distinguish over the prior art. Reversal of the Examiner's rejection is respectfully requested.

Respectfully submitted,

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IX.   THE CLAIMS APPENDIX

1.   A display apparatus comprising:

a displaying section for displaying document contents made up in units of page;

a displaying control section for controlling a display state of said displaying section;

means for providing a reading display mode of displaying the whole contents of each page of said document contents on said displaying section;

means for providing a plurality of automatic paging display modes of conducting page ejection (paging) and successively performing partial or schematic displaying of each page of said document contents on said displaying section according to a display mode corresponding to one of a plurality of reading modes; and

selecting means for selecting the display mode as one of said reading display mode and said plurality of automatic paging display modes,

wherein when the selected display mode of said document contents is performed, said display control section controls the display state of said displaying section to display said document contents on said displaying section , and

wherein said plurality of automatic paging display modes includes at least the following display modes:

a cursory reading display mode in which title and emphasized parts, of the document contents in each page, are extracted to display so that an outline of the contents of each page is viewable to the user;

a partially displaying mode in which a portion of each page is displayed, the displayed portion being extracted according to a predetermined condition; and

an outline view display mode in which only document structure is displayed as a layout so that the whole of each page is viewable to the user.

2-4.   (CANCELLED).

5.   (PREVIOUSLY PRESENTED) A display apparatus according to claim 1, wherein said predetermined condition involves a font size.

6.   (PREVIOUSLY PRESENTED) A display apparatus according to claim 1, wherein said predetermined condition involves a font type.

7.   (PREVIOUSLY PRESENTED) A display apparatus according to claim 1, wherein, in at least one of said plurality of automatic paging display modes, said display mode makes said

displaying section display partially each page by extracting only an image from each page and displaying said extracted image on said displaying section.

8. (PREVIOUSLY PRESENTED) A display apparatus according to claim 1, wherein, in at least one of said plurality of automatic paging display modes, said display mode makes said displaying section display schematically each page by changing a display resolution on each page in accordance with said display mode.

9. (PREVIOUSLY PRESENTED) A display apparatus according to claim 1, further comprising establishing means for individually establishing said display mode in each of said plurality of automatic paging display modes.

10. (PREVIOUSLY PRESENTED) A display apparatus according to claim 9, wherein said establishing means additionally establishes a speed in each of said plurality of automatic paging display modes.

11. (ORIGINAL) A display apparatus according to claim 1, wherein said selecting means is equipped with a paging switch, and is made to determine said automatic paging display mode to be selected, on the basis of a manipulation time of said paging switch.

12. (ORIGINAL) A display apparatus according to claim 1, wherein said selecting means is equipped with a plurality of paging switches, and is made to determine said automatic paging display mode to be selected, on the basis of a manipulation method of said plurality of paging switches.

13. (PREVIOUSLY PRESENTED) A computer-readable recording medium in which a display control program is recorded, wherein, in order to display document contents, made up in units of page, on a displaying section, said display control program making a computer function as the following:
    providing a plurality of automatic paging display modes of conducting page ejection (paging) and successively performing partial or schematic displaying of contents of each page of said document contents on said displaying section according to a display mode corresponding to a plurality of reading modes ; and
    controlling, when performing automatic paging display of said document contents, a display state of said displaying section for displaying said document contents on said displaying section in a selected automatic paging display mode , said selected automatic paging display mode being selected by a user from said plurality of automatic paging display modes,

said plurality of automatic paging display modes including at least the following display modes:

a cursory reading display mode in which title and emphasized parts of the document contents in each page, are extracted to display so that an outline of the contents of each page is viewable to the user;

a partially displaying mode in which a portion of each page is displayed, the displayed portion being extracted according to a predetermined condition; and

an outline view display mode in which only a document structure is displayed as a layout so that the whole of each page is viewable to user.

14-16. (CANCELLED).

17. (PREVIOUSLY PRESENTED) A computer-readable recording medium according to claim 13, wherein said predetermined condition involves a font size.

18. (PREVIOUSLY PRESENTED) A computer-readable recording medium according to claim 13, wherein said predetermined condition involves a font type.

19. (PREVIOUSLY PRESENTED) A computer-readable recording medium according to claim 13, wherein, in at least one of said plurality of automatic paging display modes, said display mode makes said displaying section display partially each page by extracting only an image from each page and displaying said extracted image on said displaying section.

20. (PREVIOUSLY PRESENTED) A computer-readable recording medium according to claim 13, wherein, in at least one of said plurality of automatic paging display modes, said display mode makes said displaying section display schematically each page by changing a display resolution on each page in accordance with said speed.

21. (PREVIOUSLY PRESENTED) A multi-page document displaying method, comprising:

selecting a page-turning mode from a reading mode in which a page of the multi-page document remains displayed until displaying a next page is requested by a user, and a plurality of automatic paging display modes in which pages of the multi-page document are displayed successively after predetermined time intervals; and

selecting a display mode associated with the selected page turning mode wherein the display mode is one of a plurality of display modes including:

a cursory reading display mode in which a title and headlines of the document contents in each page, are extracted and displayed;

a partially displaying mode in which each page is displayed partially, by extracting and displaying a page portion according to a predetermined condition; and

an outline view display mode in which only a page layout is displayed.

22.   (PREVIOUSLY PRESENTED)   A multi-page document displaying method according to claim 21, wherein the predetermined condition is one of text having a predetermined font size, text having a predetermined font type, and an image.

23.   (PREVIOUSLY PRESENTED) A multi-page document displaying method according to claim 21, further including setting new values for at least one predetermined time interval corresponding to one of the plurality of automatic paging display modes.

X. EVIDENCE APPENDIX

Not applicable.

XI. RELATED PROCEEDING APPENDIX

Not applicable.